UNITED STATES PATENT AND TRADEMARK OFFICE

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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
530 B STREET
SUITE 2100
SAN DIEGO, CA 92101

EXAMINER
CHOJNACKI, MELLISSA M

ART UNIT	PAPER NUMBER
2164	

NOTIFICATION DATE	DELIVERY MODE
11/02/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTONotifications@procopio.com

	Application No.	Applicant(s)
	10/813,868	SPRING, LESLIE ; ET AL.
Office Action Summary	Examiner	Art Unit	
	Mellissa M. Chojnacki	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 August 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19, 21 and 23-52* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19, 21 and 23-52* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Remarks

1.   In response to communications filed on August 20, 2007, no new have been

cancelled; claims 1, 23, 29-48 and 50-52 have been amended, and no new claims have

been added. Therefore, claims 1-19, 21 and 23-52 are still presently pending in the

application.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-12, 15-19, 21, 23-25, 28-45, and 47-52 are rejected under 35

U.S.C. 102(b) as being anticipated by Fenton et al. (U.S. Patent Application Publication

No. US 2002/0194195).

As to claim 1, Fenton et al. teaches a media publishing system, comprising:

a network interface to connect the media publishing system to a user (See

paragraph 0056);

a plurality of rich media publishing (RMP) RMP templates grouped into

categories (See abstract; paragraph 0003; paragraph 0050-0051, where "categories" is

read on "asset packs"; paragraph 0124-0125); and

a data storage providing a file system to the plurality of web services, where the

file system provides access to media items (See paragraph 0066; paragraph 0089),

storage in which project code used to present the media project to the user is

stored (See paragraph 0066; paragraph 0089);

wherein the RMP template includes settable features, which controls an aspect

of presenting the media project (See paragraph 0118; paragraph 0121; paragraph

0124-0125), and

wherein the settable features for RMP templates in the same category are

configured to match, and remain unchanged when a RMP template in the same

category is switched for another RMP template in the same category (See paragraph

0124-0125);

wherein media items assigned to the media item slots of the one RMP template

remain unchanged when the one RMP template is replaced by said another RMP

template in the same category (See paragraph 0124-0125).

As to claim 2, Fenton et al. teaches a plurality of network servers linked together

in a local network to provide an application programming environment for the plurality of

web services (See abstract; paragraph 0010; paragraph 0041).

As to claim 3, Fenton et al. teaches wherein the application programming

environment includes a rich media publishing platform (See abstract; paragraph 0040-

0041; paragraph 0045; paragraph 0054; paragraph 0066; paragraph 0086; paragraph

0089; paragraph 0117; paragraph 0149).

As to claim 4, Fenton et al. teaches wherein the a rich media publishing platform

includes a member publishing service, a repository, a repository filters, and an

administrative service (See abstract; paragraph 0040-0041; paragraph 0045; paragraph

0054; paragraph 0066; paragraph 0086; paragraph 0089; paragraph 0117; paragraph

0149).

As to claim 5, Fenton et al. teaches wherein the application programming

environment includes a create-once-render-everywhere (CORE) platform (See

paragraph 0050; paragraph 0075; paragraph 0078; paragraph 0082-0087; paragraph

151)

As to claim 6, Fenton et al. teaches wherein the CORE platform includes a

rendering service, a user interface management service, a publishing service, and a

content management service (See paragraph 0050; paragraph 0056; paragraph 0075;

paragraph 0078; paragraph 0082-0087; paragraph 151)

As to claim 7, Fenton et al. teaches wherein the application programming

environment includes a content distribution platform (See abstract; paragraph 0003;

paragraph 009-016).

As to claim 8, <u>Fenton et al.</u> teaches wherein the content distribution platform includes an identity service and a commerce service (See paragraph 0045; paragraph 0054; paragraph 0086).

As to claim 9, <u>Fenton et al.</u> teaches a producer system including at least one development application to build and support the plurality of web services, the producer system running on the application programming environment (See abstract; paragraph 0017; paragraph 0054).

As to claim 10, <u>Fenton et al.</u> teaches a client system to enable the user to access the plurality of web services, the client system including at least one user interface application (See abstract; paragraph 0003; paragraph 009-016; paragraph 0056).

As to claims 11 and 24, <u>Fenton et al.</u> teaches wherein the at least one user interface application includes a web browser (See paragraph 0017).

As to claims 12 and 25, <u>Fenton et al.</u> teaches a local storage to store some of the media items to be used to build the media project (See paragraph 0066; paragraph 0089).

As to claim 15, <u>Fenton et al.</u> teaches wherein the network interface connects to a

wide-area network (See paragraph 0041; paragraph 0053; paragraph 0056; paragraph

0148).

As to claim 16, <u>Fenton et al.</u> teaches a support system including at least one

support application to support at least one of the plurality of web services (See

paragraph 0041; paragraph 0054).

As to claim 17, <u>Fenton et al.</u> teaches wherein the at least one support application

includes a maintenance application and a customer service application (See paragraph

0041; paragraph 0054).

As to claim 18, <u>Fenton et al.</u> teaches wherein the media items include

background image, background video, background music, animations, slide shows,

sounds, and controls (See paragraph 0039; paragraph 0124-0125).

As to claim 19, <u>Fenton et al.</u> teaches wherein the plurality of web services

includes a markup language code for the media project, the code including links to

media items stored in the data storage (See paragraph 0054; paragraph 0066).

As to claim 21, <u>Fenton et al.</u> teaches wherein the aspect includes background

color or font characteristics (See paragraph 0121; paragraph 0124-0125).

As to claim 23, <u>Fenton et al.</u> teaches a client system for accessing and utilizing a

media publishing system (See abstract), comprising:

a network interface to connect a user to the media publishing system (See

paragraph 0056); and

at least one user interface application for building, publishing, and accessing a

media project using RMP templates of media items grouped into categories (See

abstract; paragraph 0003; paragraph 0050-0051, where "categories" is read on "asset

packs"; paragraph 0124-0125),

wherein the RMP template of media items includes settable features, which

controls an aspect of presenting the media project (See paragraph 0118; paragraph

0121; paragraph 0124-0125), and

wherein the settable features for RMP templates in a same category are

configured to match and remain unchanged when a RMP template in the same category

is switched for another RMP in the same category (See paragraph 0124-0125);

wherein media items assigned to the media item slots of the one RMP template

remain unchanged when the one RMP template is replaced by said another RMP

template in the same category (See paragraph 0124-0125).

As to claim 28, <u>Fenton et al.</u> teaches a code publishing service to download a

project code to execute the media project from the client system (See paragraph 0117;

paragraph 0149; paragraph 0151).

As to claim 29, <u>Fenton et al.</u> teaches a method of building, publishing, and accessing a media project (See abstract), comprising:

selecting a category of the media project (See abstract; paragraph 0003; 0125paragraph.0040; paragraph 0049; paragraph 0050-0051, where "categories" is read on "asset packs"; paragraph 0124-0125);

selecting a first RMP template of media items from the category, the first RMP template including a plurality of media slots, each media slot capable of receiving media items in a particular arrangement (See paragraph 0128-0134); and

selecting and arranging the media items in the each media slot (See paragraph 0128-0134),

wherein the RMP template of media items includes settable features, which controls an aspect of presenting the media project (See paragraph 0118; paragraph 0121; paragraph 0124-0125), and

wherein the settable features for RMP templates in a same category are configured to match and remain unchanged when a RMP template in the same category is switched for another RMP in the same category (See paragraph 0124-0125);

wherein media items assigned to the media item slots of the one RMP template remain unchanged when the one RMP template is replaced by said another RMP template in the same category (See paragraph 0124-0125).

As to claims 30 and 49, <u>Fenton et al.</u> teaches selecting publication parameters (See abstract; paragraph 0045-0046; paragraph 0054); and storing the media project (See paragraph 0066; paragraph 0089).

As to claim 31, <u>Fenton et al.</u> teaches wherein the publication parameters include a media project name (See paragraph 0089, where "project name" is read on "title"; paragraph 0111; paragraph 0121).

As to claim 32, <u>Fenton et al.</u> teaches wherein the publication parameters include a publication level, which indicates a range of users that will have access to the media project (See abstract; paragraph 0045-0046; paragraph 0054).

As to claim 33, <u>Fenton et al.</u> teaches wherein the publication parameters include a security level, which restricts access within the publication level (See abstract; paragraph 0045-0046; paragraph 0054).

As to claim 34, <u>Fenton et al.</u> teaches wherein the publication parameters include a method of announcement of the stored media project (See paragraph 0111; paragraph 0121).

As to claim 35, <u>Fenton et al.</u> teaches downloading a project code to execute the media project (See paragraph 0117; paragraph 0149; paragraph 0151).

As to claim 36, <u>Fenton et al.</u> teaches wherein the project code includes layout information and features of the media project stored as requests in the project code, such that changes made to RMP templates for one media project are reflected in other media projects (See paragraph 0128-0134).

As to claim 37, <u>Fenton et al.</u> teaches wherein selecting and arranging the media items in the each media slot includes importing media items transparently to a user (See paragraph 0128-0134).

As to claim 38, <u>Fenton et al.</u> teaches wherein selecting and arranging the media items in the each media slot includes selecting the media items from a list, wherein the list includes media items distributed among multiple physical locations (See paragraph 0129-0134).

As to claim 39, <u>Fenton et al.</u> teaches wherein selecting a first RMP template of media items includes changing the first RMP template to a second RMP template within the same category while maintaining all the media items in the first RMP template (See paragraph 0129-0134).

As to claim 40, <u>Fenton et al.</u> teaches wherein the each media slot includes a genre and a target format (See paragraph 0129-0134).

As to claim 41, <u>Fenton et al.</u> teaches wherein the genre indicates a type of media item that can be assigned to the each media slot (See paragraph 0129-0134).

As to claim 42, <u>Fenton et al.</u> teaches wherein the genre is image, video, audio, or animation (See paragraph 0039; paragraph 0124-0125).

As to claim 43, <u>Fenton et al.</u> teaches wherein the target format indicates a format in which the template causes the media item to be requested when the media item for the each media slot is to be presented (See paragraph 0114; paragraph 0119; paragraph 0124; paragraph 0141).

As to claim 44, <u>Fenton et al.</u> teaches wherein the target format is a JPG, GIF, bitmap, or other related format (See paragraph 0114; paragraph 0119; paragraph 0124; paragraph 0141).

As to claim 45, <u>Fenton et al.</u> teaches wherein selecting and arranging the media items includes selecting a specific format of each media item, wherein the specific format can be different than the target format specified for the media slot of the each media item (See paragraph 0114; paragraph 0119; paragraph 0124; paragraph 0141).

As to claim 47, <u>Fenton et al.</u> teaches a method of providing a media publishing

service (See abstract), comprising:

connecting the media publishing service to a user; building, publishing, and

accessing a media project using RMP templates, the RMP templates grouped into

categories, each RMP template of a same category providing a different RMP

framework and having the same media item slots (See abstract; paragraph 0003;

paragraph 0050-0051, where "categories" is read on "asset packs"; paragraph 0124-

0125); and

using a file system to upload, store, and access the media items (See abstract;

paragraph 0040-0041; paragraph 0045; paragraph 0054; paragraph 0066; paragraph

0086; paragraph 0089; paragraph 0117; paragraph 0149), wherein the RMP template

includes settable features, which controls an aspect of presenting the media project

(See paragraph 0118; paragraph 0121; paragraph 0124-0125), and

wherein the settable features for RMP templates in a same category are

configured to match and remain unchanged when a RMP template in the same category

is switched for another RMP in the same category (See paragraph 0124-0125);

wherein media items assigned to the media item slots of the one RMP template

remain unchanged when the one RMP template is replaced by said another RMP

template in the same category (See paragraph 0124-0125).

As to claim 48, <u>Fenton et al.</u> teaches a computer program, stored in a tangible

storage medium, the program comprising executable instructions that cause a computer

to:

select a category (See abstract; paragraph 0003; 0125paragraph 0040;

paragraph 0049; paragraph 0050-0051, where "categories" is read on "asset packs";

paragraph 0124-0125);

select a template of media items from the category, the template of including a

plurality of media slots, each media slot capable of receiving media items in a particular

arrangement (See abstract; paragraph 0003; paragraph 0050-0051, where "categories"

is read on "asset packs"; paragraph 0124-0125); and

select and arranging the media items in the each media slot (See paragraph

0124-0125), wherein the template of media items includes settable features, which

controls an aspect of presenting the media project (See paragraph 0118; paragraph

0121; paragraph 0124-0125), and

wherein the settable features for RMP templates in a same category are

configured to match and remain unchanged when a RMP template in the same category

is switched for another RMP in the same category (See paragraph 0124-0125);

wherein media items assigned to the media item slots of the one RMP template

remain unchanged when the one RMP template is replaced by said another RMP

template in the same category (See paragraph 0124-0125).

As to claim 50, <u>Fenton et al.</u> teaches a media publishing system (See abstract),
comprising:

a means for connecting the media publishing system to a user (See abstract;
paragraph 0056);

a means for building, publishing, and accessing a media project using
RMP templates grouped into categories, each RMP template of a same category
providing a different RMP framework and having the same media item slots (See
abstract; paragraph 0003; paragraph 0050-0051, where "categories" is read on "asset
packs"; paragraph 0124-0125); and

a means for providing a file system to the means for building, publishing, and
accessing, wherein the file system provides access to media items (See paragraph
0089-0090), wherein the template of media items includes settable features, which
controls an aspect of presenting the media project (See paragraph 0118; paragraph
0121; paragraph 0124-0125), and

wherein the settable features for RMP templates in a same category are
configured to match and remain unchanged when a RMP template in the same category
is switched for another RMP in the same category (See paragraph 0124-0125);

wherein media items assigned to the media item slots of the one RMP template
remain unchanged when the one RMP template is replaced by said another RMP
template in the same category (See paragraph 0124-0125).

As to claim 51, <u>Fenton et al.</u> teaches a client system for accessing and utilizing a media publishing system (See abstract), comprising:

a means for connecting a user to the media publishing system (See abstract; paragraph 0056); and

a means building, publishing, and accessing a media project using RMP templates grouped into categories (See abstract; paragraph 0003; paragraph 0050-0051, where "categories" is read on "asset packs"; paragraph 0124-0125), wherein the template of media items includes settable features, which controls an aspect of presenting the media project (See paragraph 0118; paragraph 0121; paragraph 0124-0125), and

wherein the settable features for RMP templates in a same category are configured to match and remain unchanged when a RMP template in the same category is switched for another RMP in the same category (See paragraph 0124-0125);

wherein media items assigned to the media item slots of the one RMP template remain unchanged when the one RMP template is replaced by said another RMP template in the same category (See paragraph 0124-0125).

As to claim 52, <u>Fenton et al.</u> teaches a media publishing system (See abstract), comprising:

a means for selecting a category (See abstract; paragraph 0003; 0125paragraph 0040; paragraph 0049; paragraph 0050-0051, where "categories" is read on "asset packs"; paragraph 0124-0125);

a means for selecting a template of media items from the category, the template

of media items including a plurality of media slots, each media slot capable of receiving

media items in a particular arrangement (See abstract; paragraph 0003; paragraph

0050-0051, where "categories" is read on "asset packs"; paragraph 0124-0125;

paragraph 0128-0134); and

a means for selecting and arranging the media items in the each media slot (See

paragraph 0128-0134), wherein the template of media items includes settable features,

which controls an aspect of presenting the media project (See paragraph 0118;

paragraph 0121; paragraph 0124-0125), and

wherein the settable features for RMP templates in a same category are

configured to match and remain unchanged when a RMP template in the same category

is switched for another RMP in the same category (See paragraph 0124-0125);

wherein media items assigned to the media item slots of the one RMP template

remain unchanged when the one RMP template is replaced by said another RMP

template in the same category (See paragraph 0124-0125).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 13-14, 26-27 and 46 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Fenton et al. (U.S. Patent Application Publication No. US

2002/0194195) in view of Masuoka et al. (U.S. Patent Application Publication No. US

2004/0230636).

        As to claims 13 and 26, Fenton et al. does not teach a web folder configured as a

folder on the web browser.

        Masuoka et al. teaches task computing (See abstract), in which he teaches a

web folder configured as a folder on the web browser (See paragraph 0609; paragraph

0634; paragraph 0638).

        Therefore, it would have been obvious to a person having ordinary skill in the art

at the time of the invention was made to have modified Fenton et al., to include a web

folder configured as a folder on the web browser.

It would have been obvious to a person having ordinary skill in the art at the time the

invention was made to have modified Fenton et al., by the teachings of Masuoka et al.

because a web folder configured as a folder on the web browser would allow the user to

store the media content items in a user storage area, manage the media content items

within the user storage area, share media content items with other users, and configure

and manage user showcase pages to display the user's media content items (See

Fenton et al., paragraph 0017).

        As to claims 14 and 27, Fenton et al. as modified, teaches an upload control tool

to enable uploading of the media items stored in the local storage to the data storage by

dragging and dropping the media items directly into the web folder (See <u>Fenton et al.</u> ,

paragraph 0040-0041).

As to claim 46, <u>Fenton et al.</u> as modified, teaches wherein the category includes

albums, journals, scrapbooks, music players, e-cards, and games (See <u>Masuoka et al.,</u>

paragraph 022).

Response to Arguments

6.   Applicant's arguments filed on August 20, 2007, with respect to the rejected

claims 1-19, 21 and 23-52 have been fully considered but they are not found to be

persuasive:

In response to applicants' arguments regarding "Fenton does not teach or

suggest the use of categories of templates **characterized by a common number and**

genre of media slots", the arguments have been fully considered but are not found to

be persuasive, because the arguments are considered moot because claim 1 does not

disclose "categories of templates characterized by a common number and genre of

media slots ".Fenton discloses a media content [(templates) -which is defined as

presentation frame work and include media slots according to the specification)]

configured into "asset packs" (categories) that can be edited using editing tools

(settable features) (See abstract; paragraphs 0050-0051; paragraphs 0124-0126). The

examiner respectfully disagrees with the applicant's argument that "asset packs" dose

not read on "categories" of templates. Also, throughout the disclosure of Fenton

discloses a user choosing from several "templates".

In response to applicants' arguments regarding "Fenton fails to teach or suggest

Rich Media Publishing ("RMP") templates grouped into categories, each RMP template

of a same category providing a different presentation framework and having the same

media item slots; wherein media items assigned to the media item slots of said one

RMP template in said same category remain unchanged when said one RMP template

is replaced by said another RMP template in said same category. Accordingly, it

appears that Fenton fails to teach or suggest all the limitations of amended claim 1", the

arguments have been fully considered but are not found to be persuasive, because

Fenton discloses a media content [(templates) -which is defined as presentation frame

work and include media slots according to the specification)] configured into "asset

packs" (categories) that can be edited using editing tools (settable features) (See

abstract; paragraphs 0050-0051; paragraphs 0124-0126).

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mellissa M. Chojnacki whose telephone number is (571)

272-4076. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for ·

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 22, 2007

Mmc

SAM RIMELL
PRIMARY EXAMINER